

Kansas Environmental News



Summer 2003



Secretary's Corner

Roderick L. Bremby

It is my sincere hope that KDHE can be an example for others to follow, and in many ways I can see we are already on that track. Two recent examples come to mind.

The first involves a foreign animal disease exercise where several staff were able to shine. KDHE's role was to identify safe disposal sites for animals and during the exercise your knowledge of the issues and of the GIS system, developed by information systems staff, proved invaluable in determining the disposal sites that would least impact the environment. The many months of effort you took to prepare for a real event in Kansas definitely got the attention of other agencies involved in this exercise, including the Federal Emergency Management Agency (FEMA).

In a second example, KDHE staff recently took part in the Wolf Creek training exercise graded by FEMA. During this event, FEMA representatives were extremely pleased with our team for its command and control, in-depth knowledge, experience, and interaction with other agencies in the exercise. While these things may seem insignificant on the surface, they say something about the motivation of KDHE staff including the desire to be better than average, and to go the extra mile to do it better than it was in the past.

We can point to other areas where KDHE is getting the attention of those beyond state lines including the Meth Watch Program which provided consultation to producers of NBC's television program "Third Watch" this spring. And even more notable, the state of Washington recently adopted a meth program based on the Kansas program.

KDHE has moved ahead of other states in such areas as the remediation of chemicals like MTBE, methyl tertiary-butyl ether, an octane enhancer used to make gasoline burn cleaner and produce less air pollution. We were studying how to remove MTBE from the water, and treatment systems were successfully designed and put into place many years before some recognized it as an issue.

With a combination of knowledge and determination, KDHE can continue to be on the forefront of many

issues, and set an example as productive, effective state government.

Keep up the good work in helping us find ways to improve the lives of Kansans.

Have a safe and wonderful summer!

Be Well,

Rod

2002 Water Quality Standards Triennial Review

The Federal Clean Water Act requires states to have a public review of their state water quality standards at least once every three years. This once-every-three-year review is referred to as a *Triennial Review*. The last Triennial Review was completed in Kansas in 1999. Past Triennial Reviews relied on the public to review the Kansas Water Quality Standards (WQS) and make comments. Since the standards tend to deal with complicated issues, they can be difficult for all but those individuals with a science background to fully understand. For that reason, it appeared there was minimal public involvement. Therefore, in order to try to achieve greater public input, a new Triennial Review process was initiated.

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First, to help identify key issues for this Triennial Review, KDHE enlisted the assistance of a focus group. The group consisted of 13 individuals from government, agriculture, environmental, technical and industry groups. The focus group held three meetings and defined six key issues related to the WQS that were important to Kansas.

KDHE staff then wrote *White Papers* on those six issues to provide background information as well as different options available to address the issues. The White Papers were intended to be concise, and explain the issues in terms that could be understood by the general public. The White Papers were critiqued by the focus group, then made available to the public.

The key issues identified included:

- Bacteria criteria - determine which bacteria indicator should be used to delineate the bacterial quality of surface water.
- Bacteria
 - Alternative Recreational Designated Uses – appropriateness of assigning designated uses and bacteria criteria based on risk of exposure.
 - High Flow Exclusion - appropriateness of assigning an extremely high flow (rain and runoff) value where higher bacteria levels would be allowed.
- Natural Pollutants - determine how to handle high concentrations of naturally occurring pollutants (i.e. chloride).
- Site Specific Criteria - consider ways water quality standards could be tailored to specific waters.
- Atrazine Criteria - appropriate water quality criteria for the herbicide Atrazine.
- Nutrient Criteria - determine how the agency should address criteria for nutrients (i.e. nitrogen and phosphorus).

KDHE then held 7 public meetings statewide in order to receive comments on the White Paper Topics as well as any other issues those in attendance wished to discuss. The meetings were held in Manhattan, Overland Park, Hays, Colby, Garden City, Wichita, and Independence between December 2002 and January 2003. Based on the advice of the focus group, the meetings were held in the evenings in order to be more accessible to the public. In addition to the KDHE-scheduled public meetings, presentations on the Triennial Review were also made at 11 Basin Advisory Committee meetings where comment was also received.

The attendance at the meetings and the comments received were very good. Based on the increased turnout and input received at all of the meetings, the Agency achieved its goal of reaching a larger audience. We will strive to improve attendance and input even more in future Standards reviews.

NOTE: It was KDHE's original intent to assimilate the Triennial Review comments into the Standards and hold hearings in August 2003. However, the 2003 Kansas Legislature passed Substitute for House Bill 2219 (HB2219) which required KDHE to propose standards specific to bacteria and recreational uses prior to July 1, 2003. Therefore, KDHE's efforts were temporarily diverted to address the requirements in HB2219. It is now anticipated that Standards changes based on comments received during the Triennial Review will be proposed upon approval/disapproval by EPA to the two outstanding standards packages currently at EPA.

KDHE REGULATIONS IN PROCESS

REGULATION	DIV. DRAFT	EPA REVIEW	DOA REVIEW	AG REVIEW	PUBLIC HEARING	EFFECTIVE
update 07/14/03						
<u>Waste Management</u>						
Special Waste	6/02	N/A	10/02	10/02	1/03	5/03
Construction Demo(N)	4/03	N/A	*6/03	*7/03	*9/03	*11/03
Permits	*8/03	*9/03	*9/03	*10/03	*12/03	*2/04
SW Planning(A)	*6/03	N/A	*7/03	*8/03	*10/03	*12/03
Groundwater	*9/03	*10/03	*10/03	*11/03	*1/04	*3/04
Hazardous Waste Update (A)	*7/03	*8/03	*8/03	*9/03	*11/03	*1/04
Medical Waste	*10/03	N/A	*11/03	*12/03	*2/04	*4/04
<u>Air and Radiation</u>						
Acid Rain Permits(A)	*7/03		*8/03	*9/03	*11/03	*12/03
Acid Rain NOx(N)	*7/03		*8/03	*9/03	*11/03	*12/03
Opacity Rule(A)	*9/03		*10/03	*11/03	*1/04	*2/04
Update Stds(NSPS,MA)	*8/03		*9/03	*10/03	*1/04	*2/04
Consolidated Air Rule (N)	*8/03		*10/03	*11/03	*1/04	*2/04
Definitions (A)	*8/03		*8/03	*9/03	*11/03	*12/03
Inventory Report Regs	*7/03		*8/03	*9/03	*11/03	*12/03
<u>Water</u>						
Surface WQS (A)(SB204)	12/01		5/02	5/02	9/02	1/03
Surface WQS (HB2219)	6/03	*10/03	5/03	5/03	8/03	*10/03
<u>Public Water Supply</u>						
Lead Copper Minor Revisions(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Consumer Confidence Report(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Public Notification(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
IESWTR(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Stage 1 DDBP(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
LT1(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Filter Backwash Recycling Rule(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Radionuclide Rule(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Arsenic Rule(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Permits		3/03	*7/03	*8/03	*10/03	*1/04
28-15-11,13,14,15a,20,21,22(R)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Sewage 7 Excreta Disposal						
28-5-16,17,18(A)	3/03	*3/03	*3/03	*4/03	*6/03	*9/03
<u>Geology</u>						
Hydrocarbon Storage Wells(N)	12/02		3/03	3/03	6/03	7/03
Nat. Gas Storage Wells(N)	12/02		3/03	3/03	6/03	7/03

New(N), Amended(A), Revoked(R)

* denotes projected date

18th ANNUAL HAZARDOUS MATERIALS MANAGEMENT CONFERENCE ON HOUSEHOLD & SMALL BUSINESS WASTE

October 6 - 10, 2003
Kansas City Marriott-Downtown
200 W. 12th Street
Kansas City, Missouri

For registration and exhibitor information, contact
John Staples at (816) 474-4240 or by e-mail at jstaples@marc.org

EPA Revises Kansas Water Quality Standards

In response to a court order, EPA's Administrator has signed a final rule promulgating revised water quality standards for the State of Kansas.

With this rule, EPA is designating:

- "Primary contact recreation use" for 1,062 waters
- An "aquatic life use" for one of those primary contact recreation use waters
- "Secondary contact recreation use" for 225 waters

These use designations supersede the use designations adopted by Kansas for those waters, but disapproved by EPA in 1998. EPA's use designations will ensure that the water quality will be appropriately protected for recreation and aquatic life, unless an analysis is provided to EPA showing that the water body cannot achieve the water quality necessary to protect for that use.

EPA's water quality standards regulations require states to designate uses for all water bodies within their jurisdiction. Designated uses determine what water quality criteria apply to specific water bodies.

The rule was published in the Federal Register July 7, 2003 and is available online at www.epa.gov/waterscience/standards/actions.htm.

City of Lawrence Environmental Procurement Policy

In October of 1999, the City of Lawrence enacted and currently operates under a set of purchasing guidelines known as an Environmental Procurement Policy (EPP). The EPP is a policy that not only serves as a pledge of City departments to purchase recycled products, but to systematically purchase "environmentally preferred products", or those that have a lesser or reduced effect

on human health and the environment, when compared with competing products that serve the same purpose. This comparison may take into consideration raw materials used, production, manufacturing, packaging, distribution, reuse, design/operation, maintenance, or disposal of the product.

The Waste Reduction & Recycling (WR/R) Division of the City has been instrumental in enacting the policy. They research environmentally preferable products and services and communicate this information to staff through the City newsletter. WR/R staff also coordinates outreach activities with City Hall employees to educate them on waste reduction and recycling issues, as well as the benefits of implementing a closed loop purchasing policy. Perhaps most importantly, WR/R staff coordinates with other divisions to develop pilot programs evaluating the performance of environmentally preferred alternatives (e.g. re-refined oil pilot program, alternative fuels for fleet vehicles, and recycled plastic lumber for Parks and Recreation). Finally, WR/R is responsible for providing an annual progress report to the City Commission.

In turn, the Finance Department monitors purchasing of products with recycled content, or of environmental superiority, and has established purchasing preference guidelines for many recycled products. The policy itself establishes a price preference of up to five percent for recycled products and environmentally preferable products and services.

Documented success with the policy so far is multi-faceted. In some cases, the results are documentation of on-going efforts within the City and others were simple implementations that were preferred choices environmentally, as well as economically. The pilot programs' successes have been a result of much background research and inter-departmental collaborations. All EPP pilot projects and other successes have hinged on support and cooperation with other department heads and their willingness to support WR/R's efforts and share information with them. Results of EPP implementation have shown overall annual savings of \$130,000 in 2000 and \$285,000 in 2001.

To implement such a successful policy, certain key components are needed. First, initiative by an overseeing board or department that is willing to research and document well. Next, communication and outreach in the form of updates and reminders to employees on a regular basis is necessary. Interdepartmental contacts

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Kansas Don't Spoil It!

"You Can Make a Difference"

Have you seen or heard the new **Kansas Don't Spoil It! (KDSI!)** 30-second radio or television spot while tuning in to your favorite program? If not, keep listening. The service announcement is currently running across Kansas on a variety of radio, cable and broadcast television stations. The spot is centered around a theme that individual efforts do make a difference and features a variety of scenes to encourage everyone to do their part by recycling, composting and picking up litter whenever possible.



"Emma's Wagon"

The **KDSI!** program will soon be going "mobile" across the state. KDHE's Bureau of Waste Management has recently purchased 50 large four by six foot color prints of the popular "Emma's Wagon" recycling poster. "Emma's Wagon" features a little girl pulling a wagon filled with recyclables down the street with the caption "Actions Speak Louder Than Words". The full-color prints, mounted on an aluminum backing, can be attached to collection vehicles or recycling trailers. They can also be displayed on buildings or inside recycling centers. The signs will be distributed this summer across the state to **KDSI!** partners for display in a variety of locations.



"The Great Hunt"

The **KDSI!** program will again be sponsoring "The Great Hunt for Your Health and Environment" at the 2003 Kansas State Fair in Hutchinson on September 5-14. The popular event annually draws over 300 state fair participants who must find numerous informational stations scattered across the fairgrounds for a chance to win prizes and **KDSI!** merchandise. This year's Hunt locations will include stops on recycling, composting, Household Hazardous Waste, West Nile Virus and other issues of importance to our health and environment. Be sure to stop by the **KDSI!** booth at the State Fair and participate in "The Great Hunt for Your Health and Environment".



For more information on these and other **KDSI!** program initiatives contact Jim Rudeen at 785-296-1603 or e-mail at jrudeen@kdhe.state.ks.us

City of Lawrence Environmental Procurement Policy

(cont. from page 4)

and support need to be established. For the City of Lawrence, work on pilot programs has established this superbly. And finally, regularly follow up with progress reports and highlight the success stories. If you'd like additional information or a copy of the City of Lawrence's EPP policy, contact Michelle Crank at (785) 832-3016.

KDHE Awards Over \$1.0 Million in Solid Waste Grants

Future of Grant Program is Uncertain

In late July 2003, KDHE awarded \$1.01 million in grants for 25 projects related to recycling, composting, and other methods of waste reduction. This was the 12th round of grants under this program which began in 1996. In total, over \$13 million dollars has been awarded through more than 300 separate grants to cities, counties, regional authorities, and private entities to reduce the amount of solid waste which is landfilled in Kansas.

The Round 12 grants ranged in size from \$800 to St. George Elementary School to implement a school recycling program to \$100,000 to the Lake Region Solid Waste Authority to enhanced waste reduction efforts in their multi-county region and also to the City of Topeka to purchase equipment to process and recover wood waste. Numerous other waste reduction programs received awards to improve facilities and buy equipment such as recycling containers and trailers, wood chippers, balers, compost turners, shredders, grinders, and forklifts.

Over the years, this grant program has made a significant difference in waste reduction activities in Kansas. With the financial boost provided by grants, hundreds of new city, county, and private programs have started and many existing programs were able to enhance services to their communities. Despite these advancements, there is still much room for improvement. Many waste reductions programs have followed KDHE's advice to "walk before running." This means many programs have prioritized their needs and using their own limited resources and with state aid they have established bare bones programs to serve their communities. The bottom line is that significant improvement is still possible in many locations if additional resources can be obtained.

At the present time, it is uncertain as to whether there will be additional grant rounds. The balance in the solid waste management fund, which funds this grant program and receives nearly all its revenue from the \$1 per ton landfill tipping fee, has

shrunk to its lowest level since the grant program began in 1996. This fund is used to support all solid waste program activities including all labor and staff operational costs, the illegal dump clean-up program, the old city dump remediation program, ag pesticide and school lab chemical waste sweeps, public education, technical training, grants, and more.

Historically, expenditures for the state solid waste program have approximated revenue. The department must now seek ways to keep expenditures within the range of the collected revenue, which has declined in recent months, with possible spending reductions beginning in FY 2005. As the agency looks for ways to balance revenue and expenditures, reducing or eliminating the grant program is one area being considered to reduce spending.

Bill Bider, Bureau of Waste Management

3rd ANNUAL HOME ENERGY CONSERVATION FAIR & SUSTAINABLE HOMES TOUR

The fair, sponsored by the City of Lawrence Recycling and Resource Conservation Advisory Board, will feature exhibitors, energy consultants and speaker topics including energy efficiency for remodeling, new home construction and alternative fuel vehicles.

Location: Douglas County Fairgrounds

Date: October 19, 2003

Time: 10:00 a.m. to 4:00 p.m.

Information: 785-832-3030

www.lawrencerecycles.org

Please contact Michelle Crank at 785-832-3016 for exhibitor information.

Ground-level Ozone and Ozone Monitoring in Kansas

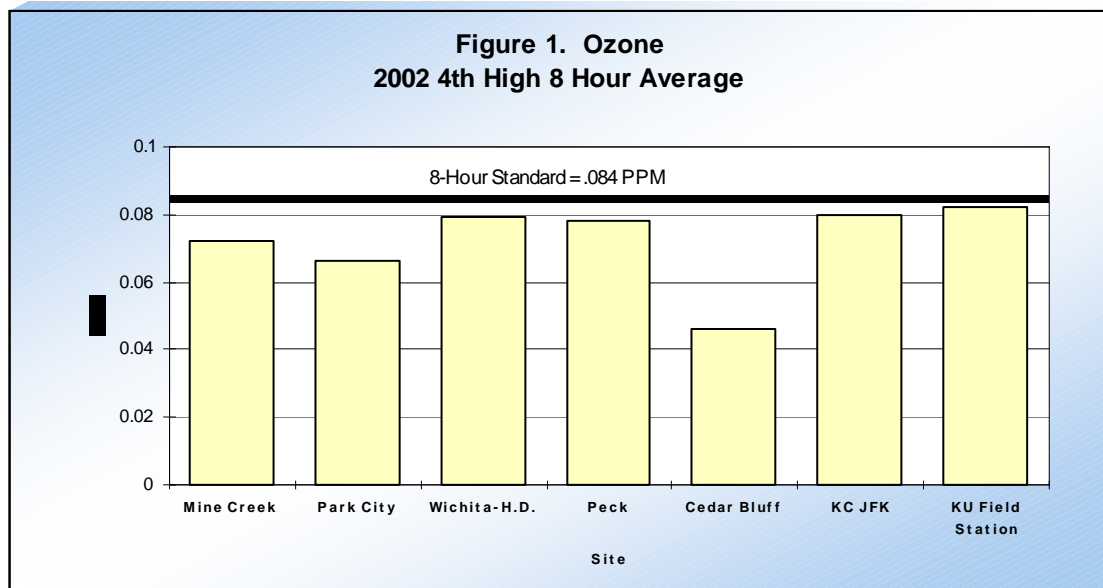
Ozone (O_3) is a gaseous compound with its molecule composed of three oxygen atoms. Ground-level ozone is formed when pollutants like volatile organic compounds (VOCs) and nitrogen oxides (NO_x) emitted by cars, power plants, chemical plants, and other sources react chemically in the presence of sunlight and heat. Unlike the good ozone up in the stratosphere that shields us from the sun's harmful ultraviolet rays, ground-level ozone is harmful to human health by irritating and damaging the human respiratory system and aggravating asthma and chronic lung diseases. Children, people with asthma and other respiratory diseases, and active adults, are particularly sensitive to ozone. Ground-level ozone pollution is a real concern during the summer months when weather conditions such as lots of sunlight and hot temperatures normally occur.

Monitoring of ground-level ozone is a very important first step in protecting public health and welfare. The current standards set by the United States Environmental Protection Agency (EPA) are 0.12 ppm (one-hour average) and 0.08 ppm (eight-hour average). Nationwide, there are over 1,200 ozone monitors. Kansas currently has a total of nine ozone monitors located in Wyandotte, Johnson, Leavenworth, Douglas, Sedgwick, Sumner, Linn, and Trego counties. A temporary ozone monitor was operated at a Kansas University Field Station site in Jefferson County in 2002. Figure 1 shows the results of the 2002 monitoring season in Kansas. One main area of concern is the Kansas City metropolitan area (in Kansas and Missouri), which meets the one-hour standard but does not meet the eight-hour standard.

There are a number of relatively simple things an individual can do to alleviate ozone and other pollution problems during summer months and year round.

- Minimize daytime emission by adding gasoline to your car and mowing your lawn after dusk since ozone levels tend to peak in the afternoon;
- Reduce emission by keeping your car well-maintained, tires properly inflated and gas cap on tight; and driving less by combining errands, and walking, riding a bike, carpooling or taking public transportation whenever possible;
- Use less energy by turning off lights, computers and TVs when not in use and running dishwashers and washing machines only when full.

People who are sensitive to ozone should check their local weather and air quality forecasts during the summer season and try to stay indoors and avoid physical activities when the air quality forecasts predict high ozone days. For more information on ozone, please visit the EPA web site at <http://www.epa.gov/airnow/>.



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